

June 13, 2012

ITEM NO. B5

**AUTHORIZATION TO ESTABLISH A PERSONNEL COMMITTEE AND
DELEGATING CERTAIN AUTHORITY TO THE CHIEF EXECUTIVE
OFFICER REGARDING PERSONNEL MATTERS**

To the Honorable Board of Commissioners:

RECOMMENDATION

It is recommended that the Board of Commissioners adopt Resolution Number 49 entitled “A Resolution Establishing a Personnel Committee and Delegating Certain Authority to the Chief Executive Officer”.

EXPLANATION

Section 6 of the Housing Authorities Act, 310 ILCS 10/6, provides, *inter alia*, as follows:

The commissioners shall, from time to time, select and appoint a chief executive officer and officers and employees, including engineering, architectural and legal assistants, as they may require for the performance of their duties, and may prescribe the duties and compensation of each officer and employee or expressly delegate that authority to the chief executive officer;

The proposed Resolution, pursuant to Section 6 and various other provisions in the Housing Authorities Act, delegates certain authority regarding personnel matters to a newly established Personnel Committee and to the Chief Executive Officer. The Board of Commissioners, however, retains final decision making authority over personnel decisions. Specifically, the Resolution:

- establishes a three (3) person Personnel Committee comprised of three (3) members of the Board and with the Chairperson as additional ex-officio member with voting rights but who shall not be counted present for purposes of establishing a quorum; and delegates to that Committee the authority to: (a) review matters pertaining to personnel, (b) oversee the activities of the Chief Executive Officer and authorized staff regarding personnel matters, and (c) issue recommendations approving or disapproving reports issued by the Chief Executive Officer relating to personnel matters.
- delegates to the Chief Executive Officer the authority to: 1) make findings and recommendations regarding the selection, appointment, and removal of officers and employees, and 2) prescribe the duties and compensation of officers and employees.
- authorizes the Chief Executive Officer to delegate to appropriate staff, investigatory, research or information-gathering functions required for the Chief Executive Officer to carry out his delegated duties.

- provides that the Chief Executive Officer shall submit to the Personnel Committee in advance of regular Board meetings a report summarizing the personnel actions taken during the preceding month.
- provides that the Chief Executive Officer shall submit to the Personnel Committee in advance of regular Board meetings a report setting forth findings and recommendations concerning the selection, appointment, and removal of officers and employees. In the event that the Chief Executive Officer determines that an emergency exists or other exigent circumstances require the immediate selection, appointment or removal of certain officers and employees, the Chief Executive Officer is authorized to take such action as he deems appropriate, provided notice is furnished to members of the Personnel Committee and the Board within 48 hours of taking such action. Further, in the event that the Chief Executive Officer determines that good business practices support the selection, appointment, or removal of certain officers and employees in advance of the regular Board meeting, the Chief Executive Officer is authorized, with the prior approval of at least two members of the Personnel Committee, to take such actions. A description of all such actions must be included in the Chief Executive Officer's regular report of findings and recommendations.
- requires the Personnel Committee to 1) review the reports submitted to it by the Chief Executive Officer, and 2) make its recommendations to the Board at the next regularly scheduled Board meeting, including the submission of a resolution for the Board's consideration approving or disapproving the Personnel Committee's recommendations.
- requires the Board to take action approving or disapproving all or a portion of the Personnel Committee resolution.
- provides that the Board may revoke in whole or in part any specific or implied delegation to the Chief Executive Officer.

RESOLUTION NO. 2012-CHA-49

A RESOLUTION ESTABLISHING A PERSONNEL COMMITTEE AND DELEGATING CERTAIN AUTHORITY TO THE CHIEF EXECUTIVE OFFICER

WHEREAS, the Chicago Housing Authority (the “**Authority**”) has been created by, and exists under, the Housing Authorities Act, 310 ILCS 10/1 *et seq.*, as amended (the “**Act**”); and

WHEREAS, pursuant to the Act, the management and control of the Authority is vested in ten commissioners (the “**Board**”); and

WHEREAS, Section 6 of the Act, 310 ILCS 10/6, provides, *inter alia*, as follows:

The commissioners shall, from time to time, select and appoint a chief executive officer and officers and employees, including engineering, architectural and legal assistants, as they may require for the performance of their duties, and may prescribe the duties and compensation of each officer and employee or expressly delegate that authority to the chief executive officer;

and

WHEREAS, Section 8 of the Act provides that the Authority shall have “all the powers necessary or convenient to carry out and effectuate the purposes and provisions” of the Act, 310 ILCS 10/8; and

WHEREAS, Section 8.5 of the Act provides that the Authority has the power to “make and from time to time amend and repeal by-laws, rules and regulations” not inconsistent with the Act, in order “to carry into effect the powers and purposes of the Authority”; and

WHEREAS, Section 1 of the By-Laws of the Authority provides, *inter alia*, that:

The commissioners may by resolution make any delegation of discretionary powers or ministerial duties, to be exercised in accordance with the standards, limitations, and controls which shall be set up in such resolution and which shall not be inconsistent with the “Act in Relation to Housing Authorities” to any committee or committees of one or more chosen from among their number. Any action taken in the name of the Authority by a person or persons to whom such powers or duties have been delegated shall be the action of the Authority and binding upon it, provided such action is pursuant to and within the scope of the delegation resolution, and consistent with “An Act in Relation to Housing Authorities.”

and

WHEREAS, the Board hereby finds and determines that it is necessary and in the best interests of the Authority to establish a Personnel Committee and to delegate to such committee the authority to 1) review matters pertaining to personnel, 2) oversee the activities of the Chief Executive Officer and authorized staff regarding the personnel matters delegated to the Chief Executive Officer pursuant to this Resolution, and 3) issue recommendations approving or disapproving the reports issued by the Chief Executive Officer pursuant to the terms of this Resolution, all subject to final action of the Board as described herein; and

WHEREAS, the Board hereby finds and determines that it is in the best interests of the Authority to delegate to the Chief Executive Officer of the Authority, as permitted by the Housing Authorities Act, the authority to 1) make findings and recommendations regarding the selection, appointment, and removal of officers and employees and 2) prescribe the duties and compensation of officers and employees, subject to the conditions set forth herein:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Chicago Housing Authority, Cook County, Illinois, as follows:

Section 1. Incorporation of Recitals. The recitals set forth above are hereby found to be true and correct and are incorporated in their entirety as if fully set forth in this Section 1.

Section 2. Establishment of Personnel Committee. There is hereby established a Personnel Committee which shall be comprised of three (3) members of the Board (the "Committee"). The Chairperson shall be ex-officio voting members of the Committee, but shall not be counted present for purposes of establishing a quorum of the Committee. The responsibilities of the Committee include reviewing matters pertaining to personnel; overseeing the activities of the Chief Executive Officer and authorized staff relating to personnel matters; and issuing recommendations to the Board approving or disapproving personnel reports issued by the Chief Executive Officer, all as more fully set forth in this Resolution.

Section 3. Powers Delegated to Chief Executive Officer. The Authority hereby authorizes and delegates to the Chief Executive Officer the power to: 1) make findings and recommendations regarding the selection, appointment, and removal of officers and employees and 2) prescribe the duties and compensation of each officer and employee of the Authority. The Chief Executive Officer shall exercise such authority within the constraints of the approved budget for the fiscal year in which such delegated action is taken. The responsibilities of the Chief Executive Officer as delegated

herein shall be implemented in a manner that promotes the efficient disposition of all matters within the jurisdiction of the Authority and is consistent with the requirements of applicable federal, state, and local laws, rules, and regulations.

Section 4.

Delegation by CEO. The Chief Executive Officer may, as he or she deems appropriate, delegate to appropriate staff the investigatory, research or information-gathering requirements of the Chief Executive Officer's delegated responsibilities as described herein. Any person carrying out these delegated activities shall not have the authority to make any decisions regarding the selection, appointment, removal, duties or compensation of any officers or employees of the Authority.

Section 5.

Personnel Action Reports. The Chief Executive Officer shall submit to the Committee for its review and approval in advance of regular Board meetings a report summarizing the personnel actions taken during the preceding month ("Personnel Action Report" or "PAR"). The PAR shall be in substantially the form attached hereto and shall include but need not be limited to the following information: number of active employees at the beginning and end of each month; inactive employees; full-time employees; part-time employees; new hires, recalls and re-hires; deceased employees; laid off employees; resignations; retirements; terminations; corrections; laterals; demotions; promotions/position change; merit pay/equity/negotiated wages; reclassifications and reorganizations; leave of absence; return from leave of absence; leave with pay; leave without pay; return to previous position; salary/equity adjustments; status changes; temporary acting employee; transfers; total separations; workmen's compensation; and payouts or contracts including collective bargaining.

Section 6.

Chief Executive Officer's Report of Findings and Recommendations regarding Selection, Appointment, and Removal of Officers and Employees.

- a) The Chief Executive Officer shall submit to the Committee for its review and approval in advance of regular Board meetings a report setting forth findings and recommendations concerning the selection, appointment and removal of officers and employees ("**Report of Findings and Recommendations**"). The Report of Findings and Recommendations shall include, without limitation, a

statement of the purpose of and necessity for the recommended action(s).

- b) In the event the Chief Executive Officer determines that an emergency exists and that the public health, safety, welfare, or other exigent circumstances require the immediate selection, appointment or removal of certain officers and employees, the Chief Executive Officer is hereby authorized to take such action as he deems appropriate, provided that the Chief Executive Officer: 1) furnish notice to the members of the Committee and the Board within 48 hours of taking such action, which notice shall describe the action and the circumstances warranting such action, and 2) include a description of such action in the Report of Findings and Recommendations.
- c) In the event that the Chief Executive Officer determines that, in the absence of conditions described in Section 5(b) hereof, good business practices or other appropriate circumstances exist that support the selection, appointment, or removal of certain officers and employees in advance of the regular Board meeting, the Chief Executive Officer is authorized, with the prior approval of at least two of the three Committee members, to take such actions as approved by said Committee members. A description of such action shall be included in the Report of Findings and Recommendations.

Section 7.

Committee Review and Recommendations and Board Approval.

The Committee shall review the PAR and Report of Findings and Recommendations submitted to the Committee by the Chief Executive Officer. The Committee shall make its recommendations to the Board at the next regularly scheduled Board meeting and submit a resolution for the approval or disapproval of all or any portion of the PAR and Report of Findings and Recommendations. If the Committee disapproves all or any portion of the PAR or Report of Findings and Recommendations, the Committee's recommendation to the Board shall inform the Board of the reasons for its disapproval. The PAR, the Report of Findings and Recommendations, and the resolution of the Committee are collectively referred to as the "Committee Resolution".

The Committee Resolution shall be included on the agenda of the next regularly scheduled meeting of the Board (or on the agenda of a special meeting called for such purpose by

the Chairperson). The Board shall at such meeting take action approving or disapproving all or a portion of the Committee Resolution.

Section 8.

Revocation of authority. The Board may revoke in whole or in part any specific or implied delegation to the Chief Executive Officer.

Section 9.

Severability. In the event that any provision, clause, sentence, section or other part of this Resolution is held to be invalid, unconstitutional, void or unenforceable, the remaining provisions of this Resolution shall remain in full force and effect, it being the intent of the Board in adopting this Resolution that no portion hereof or provision contained herein shall become inoperative or fail by reason of unconstitutionality or invalidity of any other portion or provision.

Section 10.

Effective Date. This Resolution shall be in full force and effect after its passage as provided by law, and any other resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

